

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the following remarks.

The provisional obviousness-type double patenting rejection of claims 45, 47-48, 50-51, 53-76, 78, and 80-83 based on claims 45, 49-51, 55-69, 73-74, and 77 of co-pending Application No. 10/578,262 is overcome by the acceptance of the Terminal Disclaimer filed in later filed co-pending Application No. 10/578,262, which has been allowed and the issue fee of which has been paid.

Under MPEP 804(B)(1), a Terminal Disclaimer need only be filed in the later filed application of two co-pending applications. MPEP 804(B)(1) states:

"If "provisional" ODP rejections in two applications are the only rejections remaining in those applications, the examiner should withdraw the ODP rejection in the earlier filed application thereby permitting that application to issue without need of a terminal disclaimer. A terminal disclaimer must be required in the later-filed application before the ODP rejection can be withdrawn and the application permitted to issue...." (emphasis added)

Therefore, the acceptance on December 2, 2010, of the Terminal Disclaimer filed in later filed co-pending Application No. 10/578,262 obviates any requirement for a Terminal Disclaimer in the instant application, which is the earlier filed one of the co-pending applications.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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